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people, is influenced by conditions of climate, habitat and local needs and aims. These change but slowly and even foreign conquest does not materially affect them. As a rule, it is more likely that the law of the land conquers its conquerors than that the latter introduce and make dominant a new system. It is perhaps only when a virgin soil is settled by newcomers that the old law is carried over into it, and even then, without the presence of native human factors to influence its development, the mere physical conditions of the new land change the old law into conformity to a type of what it would have been if it had always been native to the new soil.

The fact that Roman law is a great system of tremendous importance in the history of the world may be conceded without making of it a fetich to be worshipped for all sorts of undemonstrated and perhaps undemonstrable perfections. Scholarship should not become the sponsor for a mythological concept of a divinely inspired Roman law which will dominate the world. In so far as the book will be read by the "general reader and non-professional student" it may lead to fundamental misconceptions. The professional student and the law teacher will probably make reasonable allowance for the author's enthusiastic devotion to his subject, and give him credit for the assistance which he has rendered to the inquirer. The impression that the reviewer received was that the work did not draw sufficiently on the available material prepared by English and Continental scholarship, although much of it is referred to in the bibliography.

Professor Sherman is working in a field in which he has unfortunately too few co-workers. His work will be valuable as an incentive to others. In spite of a certain amount of critical resentment, we must receive the book as a contribution to a field too little known, and though it may spread some error we hope that it may do much good. The second half of the first volume, pointing out in detail the spheres of influence which Roman law has acquired in the modern world through its peaceful penetration of many foreign systems, is well supplemented by the subject guides in the third volume. Professor Sherman deserves thanks for his collation of authorities under appropriate topical headings, an arrangement that commends itself as very useful to the investigator. And after all, that is what our author really set out to do, *i. e.*, to show the pathway of "Roman Law in the Modern World." The criticism which is here offered is to the many *dicta* which, not being essential to the development of his thesis, might well have been omitted, thereby removing a possible source of error out of the way of the too-trustful inquirer.

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MENTAL CONFLICTS AND MISCONDUCT. By William Healy. Pp. xi, 330. Boston: Little, Brown & Co., 1917.

This volume is devoted to an exposition of the relation of misconduct to underlying psychological factors, the results of previous impressions (insults) to the mental system of the individual affected.

It is an attempt at explanation of why bad boys and girls are bad—why in a family of four or five, one individual becomes an offender against the law, while the others remain in the normal groove.

While the material presented follows a straight psychological analysis, the whole book is tinged by Freud. It might be said to be a simplification of the Freudian method of psycho-analysis as applied to the large amount of material in a municipal court for delinquent children. The results of the many analyses presented are more convincing from a psychological than from a corrective point of view.

The great value of the Freudian system is in just such a sphere, *i. e.*, in explaining conduct and trains of thought that may deviate the life of an individual rather than the analysis of the thought after it occurs or while it is taking place. The principles involved in such a study are only applicable to the rather free procedure of a municipal court. They involve the doctrine of diminished responsibility as applied to crime—a doctrine that obtains in continental court procedure—in grave criminal cases.

From the standpoint of the expert of nervous and mental diseases, the acceptance of a doctrine of diminished responsibility would be of great value. It would avoid the necessity, in many cases, of a dogmatic statement of the mental status of an individual where the facts and circumstances do not justify a dogmatic opinion.

The fundamental error in all the Freudian work is evident in these analyses. There is an old principle in the practice of medicine in the relation of the curability of disease that might be applied here. This principle is "that it is not of so much importance what disease the individual has as what individual has the disease," and so we are here concerned not so much with the sexual or other insult to the *amour propre* of the child, that leads later to misconduct and crime as we are to the mental and physical soil on which such impressions are sown. While some attention is given to this, a greater valuation would be more consistent with the facts in the case.

The mental make-up of the criminal type is after all what determines the criminal. The normal mind in a normal body resists the temptation to violation of the law, both moral and mundane, realizing, indeed, the value of the law, both to the community and to himself. The pathological mind—the deviate type of mind—refuses to recognize the principles here involved.

Dr. Healy's book deserves consideration, because it calls attention to the value of painstaking investigation in throwing light on the nature of criminal acts, and the further value that the environment, both mental and physical, has in producing deleterious results on the growing child. From such a beginning, further studies in other fields of criminology should be of great value, both to the law and to medicine.

This book can be read with much profit by both lawyer and doctor.

D. J. McCarthy.